

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
Before the Board of Patent Appeals and Interferences

In re Patent Application of

Atty Dkt. LCM-1331-334

C# M#

VON BORSTEL

TC/A.U.: 1623

Serial No. 09/763,955

Examiner: Patrick T. Lewis

Filed: February 28, 2001

Date: February 9, 2007

Title: COMPOSITIONS AND METHODS FOR TREATMENT OF MITOCHONDRIAL  
DISEASES

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450



Sir:

Correspondence Address Indication Form Attached.

**NOTICE OF APPEAL**

Applicant hereby **appeals** to the Board of Patent Appeals and Interferences  
from the last decision of the Examiner twice/finally rejecting \$500.00 (1401)/\$250.00 (2401) \$ 500.00  
applicant's claim(s).

An appeal **BRIEF** is attached in the pending appeal of the  
above-identified application \$500.00 (1402)/\$250.00 (2402) \$ 0.00

Credit for fees paid in prior appeal without decision on merits -\$ ( 0.00)

A reply brief is attached in triplicate under Rule 41.41 (no fee)

Pre-Appeal Brief Request for Review form attached.

Petition is hereby made to extend the current due date so as to cover the filing date of this  
paper and attachment(s) One Month Extension \$120.00 (1251)/\$60.00 (2251)  
Two Month Extensions \$450.00 (1252)/\$225.00 (2252)  
Three Month Extensions \$1020.00 (1253)/\$510.00 (2253)  
Four Month Extensions \$1590.00 (1254)/\$795.00 (2254) \$ 1020.00

"Small entity" statement attached.

Less month extension previously paid on -\$ ( 0.00)

**TOTAL FEE ENCLOSED** \$ 1520.00

Any future submission requiring an extension of time is hereby stated to include a petition for such time extension.  
The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or  
asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this  
firm) to our **Account No. 14-1140**. A duplicate copy of this sheet is attached.

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LCM:Iff

NIXON & VANDERHYE P.C.  
By Atty: Leonard C. Mitchard, Reg. No. 29,009

Signature: \_\_\_\_\_

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01 FC:1401  
02 FC:1253

500.00 UP  
1020.00 UP